

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<p><b>UNITED STATES OF AMERICA,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>(1) STRYKER BIOTECH, LLC,</b></p> <p><b>(2) MARK PHILIP,</b></p> <p><b>(3) WILLIAM HEPPNER,</b></p> <p><b>(4) DAVID ARD and</b></p> <p><b>(5) JEFFREY WHITAKER,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Criminal No: 09-CR-10330-GAO</b></p>
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**PROPOSED VOIR DIRE QUESTIONS**

Defendants Stryker Biotech LLC, Mark Philip, William Heppner, Jeffrey Whitaker and David Ard submit the following proposed voir dire questions and juror questionnaire for the Court’s consideration for submission to the jury panel, in addition to the standard questions that the Court covers during its usual voir dire process. As an alternative to posing these questions to the entire panel orally and in the interest of efficiency, the Defendants propose providing the jury panel with a short questionnaire covering these very same proposed questions before the individual questioning of each potential juror by the Court. A sample questionnaire is found at pages 4 -5 below.

1. What is your marital status?
2. Do you have children?
  - a. If yes, how old are they?

3. What is the highest level of school you completed?
  - a. If post high school, what degrees have you received?
4. What is your current occupation?
  - a. Who is your employer?
  - b. How long have you worked at your current job?
  - c. What other jobs have you held?
5. Have you ever worked:
  - a. in the healthcare, medical device or pharmaceutical field?
  - b. for the government or served in the military?
6. Have you ever had a job:
  - a. that involved sales or marketing?
  - b. for which you were compensated in part through commissions or bonuses?
  - c. that involved working with government regulations?
  - d. where you were a supervisor?
7. What is your spouse's current occupation (if applicable)?
8. Had you heard of Stryker Corporation or Stryker Biotech prior to today?
9. Do you have any positive or negative impressions of the medical device or pharmaceutical industries?
10. Have you, or has someone close to you, ever claimed to be a victim of fraud?
11. Have you ever:
  - a. served on a jury?
  - b. been a plaintiff in a lawsuit or workers' compensation proceeding?
  - c. been a defendant in a lawsuit?
  - d. testified under oath?
12. Do you have any knowledge about bone morphogenetic proteins (a/k/a BMPs) or bone void fillers?

13. Have you, or has someone close to you, undergone a surgery where a device was placed into the body, an orthopedic surgery or spinal surgery?
14. If you, or someone close to you, has undergone a surgical procedure involving an implant, an orthopedic surgery or spinal surgery, were there any post-surgical complications?
15. Have you, or has someone close to you, ever received poor or inadequate medical treatment?

**[PROPOSED] JUROR QUESTIONNAIRE****Juror Name** \_\_\_\_\_**Juror No.** \_\_\_\_\_

1. What is your marital status?

\_\_\_\_\_

2. Do you have children? (If yes, how old are they?)

\_\_\_\_\_

3. What is the highest level of school you completed? What degrees have you received?

\_\_\_\_\_

4. What is your current occupation? \_\_\_\_\_

a. Who is your employer? \_\_\_\_\_

b. How long have you worked at your current job? \_\_\_\_\_

c. What other jobs have you held? \_\_\_\_\_

\_\_\_\_\_

5. Have you ever worked:

a. in the healthcare, medical device or pharmaceutical field? **Yes No**b. for a government or served in the military? **Yes No**

6. Have you ever had a job:

a. that involved sales or marketing? **Yes No**b. for which you were compensated in part through  
commissions or bonuses? **Yes No**c. that involved working with government regulations? **Yes No**d. where you were a supervisor? **Yes No**

7. What is your spouse's current occupation (if applicable)? \_\_\_\_\_

8. Had you heard of Stryker Corporation or Stryker Biotech prior to today?
- Yes No**

9. Do you have any positive or negative impressions of the medical device
- 
- or pharmaceutical industries?
- Yes No**

10. Have you, or has someone close to you, ever claimed
- 
- to be a victim of fraud?
- Yes No**

11. Have you ever:

- |   |            |           |
|---|------------|-----------|
| a. served on a jury?  | <b>Yes</b> | <b>No</b> |
| b. been a plaintiff in a lawsuit or workers' compensation proceeding? | <b>Yes</b> | <b>No</b> |
| c. been a defendant in a lawsuit?                                     | <b>Yes</b> | <b>No</b> |
| d. testified under oath?  | <b>Yes</b> | <b>No</b> |

12. Do you have any knowledge about bone morphogenetic proteins (a/k/a BMPs) or bone void fillers? **Yes No**

13. Have you, or has someone close to you, undergone a surgical procedure where a device was placed into the body, an orthopedic surgery or spinal surgery? **Yes No**

14. If you, or someone close to you, has undergone a surgical procedure involving an implant, an orthopedic surgery or spinal surgery, were there any post-surgical complications? **Yes No**

15. Have you, or has someone close to you, ever received poor or inadequate medical treatment? **Yes No**

Respectfully submitted,

STRYKER BIOTECH, LLC

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December 12, 2011

**CERTIFICATE OF SERVICE**

I, Joshua S. Levy, hereby certify that this document, filed through the ECF system, will be served electronically to the registered participants identified on the Notice of Electronic Filing (“NEF”), and that paper copies will be sent via electronic mail to those identified on the NEF as non-registered participants on December 12, 2011.

/s/ Joshua S. Levy  
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